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Lorenzo Federico Pace, *European Antitrust Law - Prohibitions, Merger Control and Procedures*

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Upon first inspection of the book's title, *European Antitrust Law*, it arouses one's curiosity. Analysing the breadth of academic literature on the subject of European competition law few contain the concept of antitrust law in their title. Undoubtedly due to historical and technical reasons European authors seem to prefer the phrase 'competition law' as opposed to 'antitrust law'. So for this author, at least, the book promised to be an interesting body of work.

The author, Lorenzo Federico Pace, concentrates on the core provisions of European competition law, including the enforcement of these prohibitions and the Merger Regulation. The eleven parts and forty-eight chapters are very well organised and analyse the historical development of European antitrust law, European antitrust powers, Articles 81 and 82, the enforcement system and finally the Merger Regulation (Regulation 139/2004 EC). The author's approach to these issues is original and the chapter topics appear to have been selected very carefully. Care in the selectivity of topics would have been a necessity in this

volume due to the book's much shorter length, particularly when compared with the familiar and much lengthier reference books, such as Bellamy and Child¹ or Faull and Nikpay².

The book is divided into the following parts:

- I. Cartels and the process of European integration
- II. European antitrust powers
- III. Article 81 EC
- IV. Article 82 EC
- V. Articles 81 and 82 EC applied to the Member States
- VI. Vertical aspects of European antitrust law
- VII. The bodies and institutions of the European antitrust enforcement system
- VIII. The antitrust enforcement system established by the EC Treaty
- IX. The antitrust enforcement system established by Regulation 1/03
- X. European merger control
- XI. The merger control system established by Regulation 139/04

European competition law has to be looked at in a historical perspective. Without understanding the development of the last fifty years it is extremely difficult to understand where the law stands now and how it needs to change. The book commences with the history of the worldwide industrialisation of the 19th century and analyses the 'Cartelisation' of the European Economy, then follows the developments to the present day. Historical evaluation is a key aspect of the book and is present throughout the book's analyses. It is difficult to select a specific chapter that describes the author's teleological style best, since they all represent good examples.

One of the most remarkable features of the book is the inclusion by the author of in-depth economic argument in his evaluation. The author's critical but objective approach towards European competition policy is found at every turn. A book analysing the topic of competition law should not avoid economic theories and their application to the law, and this book certainly addresses the issues well.

An important point is that the author is very accurate when selecting references. The content of the chapters is very concise and this does not allow long and superfluous references and footnotes. One of the most remarkable features of the book is this accuracy. From a practical point of view the footnotes are very helpful. Looking at particular legal issues one does not have to browse through lengthy references, but the ones chosen are very well placed and carefully selected. This might be due to the fact that the author is both a practitioner and a professor of European law.

Published in 2007 the book manages to incorporate the most important recent legal changes as well as changes in approach to the enforcement of competition law. The author is very clear in

¹ Rose, Vivien et al., *Bellamy and Child : European community law of competition*, 6th ed. (Oxford: Oxford University Press, 2008).

² Faull, Jonathan and Nikpay Ali, *Faull & Nikpay : the EC law of competition*, 2nd ed. (Oxford ; New York: Oxford University Press, 2007).

stating where a particular approach has come from and where the law currently stands. Both chapters dealing with Articles 81 and 82, on merger control and enforcement, consider the recent overhaul of European competition policy, often called the ‘Modernisation of European competition law’. The adoption of Regulation 1/2003 EC and the replacement of the old merger regulation with Regulation 139/2004 EC are only the most obvious examples of the change in competition policy. Other such major changes have involved the application of Article 81, especially with a view to vertical agreements, the application of Article 82 and the merger control provisions. The author manages to incorporate an interesting and critical analysis of all of these substantial changes witnessed over the last ten years.

To sum up, the book with its integrated and historical approach, the critical assessment and the inclusion of the recent developments, is a book that one can whole-heartedly recommend to practitioners, scholars and students alike. It does not replace books like *Competition Law*³, *An Introductory Guide to EC Competition Law and Practice*⁴ or the previously cited extensive reference books, but it is recommended by this reviewer to be a complementary book. The author delves into the very heart of the issues and provides a condensed explanation and analysis on particular issues, but it probably should not be viewed as providing a complete substitute to the more extensive reference works necessary for day-to-day practical work, nor the many academic arguments on specific subjects. The book is a true monograph and a valuable piece in any library.

³ Whish, Richard, *Competition Law*, 5th ed. ed. (London: LexisNexis UK, 2003).

⁴ Korah, Valentine, *An introductory guide to EC competition law and practice*, 9th ed. (Oxford ; Portland, Or.: Hart, 2007).